

REMARKS/ARGUMENTS

Upon entry of the above amendments, claims 17, 21, 24, 31 and 34 will have been amended, and new independent claim 35 will have been added. Claims 17-35 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application in view of the amendments and arguments present in the Response filed July 19, 2007 and in view of the presently submitted amendments are arguments.

Further to the arguments contained in the Response filed July 19, 2007, Applicants submit that newly-added independent claim 35 is allowable.

More particularly, Applicants submit that the applied prior art does not disclose inter alia “a refrigerant go-around passage comprising a narrow spiraling channel,” as recited in new claim 35. In setting forth the rejection under 35 U.S.C. § 103(a), the Examiner acknowledges that GENNAMI (U.S. Patent No. 6,672,101) does not disclose the presently claimed refrigerant go-around passage.

Nevertheless, the Examiner asserts that it would have been obvious to supply the acknowledged deficiencies of GENNAMI with the purported refrigerant go-around passage of JANG (U.S. Patent No. 6,237,362). However, contrary to the Examiner’s assertions, JANG discloses an oil-separating channel 21, which occupies substantially the entire surface of the cover 2, having a wall part 22 positioned in the oil-separating channel (see, Col. 10, lines 8-10 of JANG and Figure 1). Thus, JANG does not disclose the refrigerant go-around passage comprising a narrow channel; much less, a narrow spiraling channel.

In regard to the rejection of claim 34 under 35 U.S.C. § 112, first paragraph;

without acquiescing to the propriety of the Examiner's rejection, Applicant has amended this claim solely in order to clarify that a cross-sectional area of the refrigerant go-around passage (excluding the return port) is substantially uniform. Support for the aforementioned amendment can at least be found in Figures 2A-2C of the drawings. Accordingly, the above-noted rejection under 35 U.S.C. § 112 is believed to be moot and should be withdrawn.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

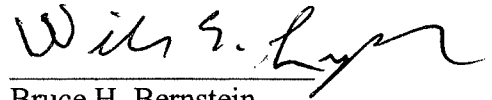
Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the patentability of the claims and pointed out deficiencies of the applied reference(s). Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,
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